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COUNTY OF SAN LUIS OBISPO DEPARTMENT OF PLANNING AND BUILDING STAFF REPORT

Board of Supervisors

MEETING DATE November 6, 2012	CONTACT/PHONE Terry Wahler, 781-5621	APPLICANT Attiyeh Foundation	FILE NO. AGP2012-00002						
SUBJECT Proposal by the Attiyeh Foundation to alter and expand the boundaries of an existing agricultural preserve and contract by adding approximately 40 acres, resulting in a total of 7,572 acres in the Agricultural Preserve. The site is located within the Agriculture & Rural Lands land use categories at the southernmost bend in the Nacimiento River approximately 3.5 miles west of the Oak Shores Village Area. The site is located in the Nacimiento planning area.									
RECOMMENDED ACTION The Agricultural Preserve Review Committee and Planning Commission recommend approval of this request to alter and expand the boundaries of an existing agricultural preserve to the Board of Supervisors as follows: <table border="0"><tr><td>Preserve Designation:</td><td>Nacimiento Agricultural Preserve No. 10, Amendment No. 9</td></tr><tr><td>Minimum Parcel Size :</td><td>320 Acres</td></tr><tr><td>Minimum Term of Contract:</td><td>Remaining Minimum Term of Existing Contract</td></tr></table>				Preserve Designation:	Nacimiento Agricultural Preserve No. 10, Amendment No. 9	Minimum Parcel Size :	320 Acres	Minimum Term of Contract:	Remaining Minimum Term of Existing Contract
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Minimum Parcel Size :	320 Acres								
Minimum Term of Contract:	Remaining Minimum Term of Existing Contract								
ENVIRONMENTAL DETERMINATION Categorical Exemption (Class 17)									
LAND USE CATEGORY Agriculture & Rural Lands	COMBINING DESIGNATION Flood Hazard Area	ASSESSOR PARCEL NUMBERS 080-211-013	SUPERVISOR DISTRICT(S) 1						
PLANNING AREA STANDARDS: None Applicable		LAND USE ORDINANCE STANDARDS: Section 22.22.040C(1) – Minimum parcel size for existing agricultural preserves							
EXISTING USES: Vacant, open space / nature preserve									
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Agriculture/ Vacant open space <i>South:</i> Agriculture/ Vacant open space <i>East:</i> Agriculture / Vacant open space <i>West:</i> Agriculture/ Vacant open space									
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: None									
TOPOGRAPHY: Moderately to steeply sloping		VEGETATION: Mostly chaparral, oak trees & open grassland							
PROPOSED SERVICES: None required		ACCEPTANCE DATE: August 31, 2012							
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER □ SAN LUIS OBISPO □ CALIFORNIA 93408 □ (805) 781-5600 □ Fax: (805) 781-1242									

PROJECT REVIEW

Background

Nacimiento Agricultural Preserve No. 10 was originally established in 1984 on 1,673 acres owned by Robert S. & Linda M. Attiyeh. They subsequently acquired adjacent lands which were successively added to the preserve by amendments approved in 1988, 1990, 1992, 1995, 1997, 1999, 2000 and 2001. The last request added 1,480 acres and brought the total acreage in the agricultural preserve to approximately 7,572 acres. The current request is to add 40 acres, which will bring the total acreage in the agricultural preserve to 7,612 acres. The northerly part of the preserve is owned by the Attiyeh Community Property Trust (1,863 acres) and Robert S. Attiyeh (962 acres) and the southerly part of the preserve (4,387 acres) is now owned by the Attiyeh Foundation, a non-profit corporation established to permanently preserve this area for grazing and wildlife habitat. The 40 acre parcel currently being added to the agriculture preserve was acquired in May of this year.

Site and Area Characteristics

Exhibit A shows the location, topography and land use designations of the existing preserve, the land being added to the preserve, and adjacent lands. The property is used for an open space nature preserve with no livestock grazing on the site at present. The 40 acre parcel to be added consists of steeply sloping arid chaparral and scattered oak woodland with limited areas of open grassland.

The Natural Resources Conservation Service soils rating of the site is listed as Class 8, Gaviota-Rock outcrop complex 30 to 75 percent slope. The parcel will not add additional land suitable for grazing but will increase the open space and wildlife habitat potential of the land holding. Its purchase by the Attiyeh Foundation prevents the possibility of development as a rural residential property and increases protection of the Nacimiento River corridor.

Compliance with the Agricultural Preserve Rules of Procedure

The 40 acre property is not eligible for a separate contract because it does not meet the current eligibility requirements for an agricultural rangeland preserve since it has less than 100 acres of land described in the soils report as "well-suited as rangeland" and is not 320 acres in size. However, the property qualifies for addition to the existing agricultural preserve and land conservation contract according to the following provision in the Rules of Procedure: *"A property owner under contract who acquires adjacent parcels of any size may add this land by amendment of the existing agricultural preserve and contract; the contract amendment is to recognize the remaining term of the original contract but in no event less than 10 years."*

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The existing property subject to contract includes approximately 7,572 acres of land with well over 100 acres suited as rangeland. The proposed addition constitutes a small increase, but will add some additional acreage to increase the open space and wildlife habitat potential of the contracted property. (It should be noted that the Attiyeh properties are comprised of both rangeland property and natural open space.)

The Rural Lands category of the land being added to the preserve will need to be changed to the Agriculture category by a county-initiated Land Use Element amendment. Such amendments for agricultural preserves are normally processed as a group once a year.

The appropriate minimum parcel size is 320 acres because the existing contract specifies a 320 acre minimum parcel size and the parcel's use is limited to open space. The remaining term of the existing contract is 10 years and is the appropriate term for the added land.

Agricultural Preserve Review Committee

The following is an excerpt from the Minutes of the Regular Meeting of the Agricultural Preserve Review Committee held on September 17, 2012 at the U.C. Cooperative Extension Auditorium, San Luis Obispo, California, at 1:30 p.m.

Terry Wahler, presents staff report and provides history of land acquisition and additions to the agricultural preserve by the Attiyeh Foundation. Discussion ensues.

Royce Larson: confirms there is grazing occurring.

Bob Hill: abstains from the vote due to being personally acquainted with the owners of the ranch and also the Land Conservancy being a beneficiary of the property.

Following the discussion, Don Warden moved to approve this request to alter and expand the boundaries of an existing agricultural preserve and contract, Preserve Designation: Nacimiento Agricultural Preserve No. 10, Amendment No. 9. Minimum Parcel Size: 320 acres. Minimum Term of Contract: Remaining minimum term of existing contract. This motion was seconded by Jon Pedotti and carried on a 9-0-1 vote with the Land Conservancy member abstaining, and the Farm Service Agency, Soil Science, and County Planning Department members being absent.

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RECOMMENDATIONS

The Agricultural Preserve Review Committee and Planning Commission recommend approval of this request to alter and expand the boundaries of an existing agricultural preserve to the Board of Supervisors as follows:

Preserve Designation:	Nacimiento Agricultural Preserve No. 10, Amendment No. 9
Minimum Parcel Size:	320 Acres
Minimum Term of Contract:	Remaining Minimum Term of Existing Contract

FINDINGS

- A. The proposed amendment of this agricultural preserve is consistent with the San Luis Obispo County General Plan, including the Land Use Element, the Agriculture Element, the Conservation and Open Space Element, and the County's Rules of Procedure to Implement the California Land Conservation Act of 1965 since the preserve is being enlarged.
- B. The proposed amendment of this agricultural preserve is appropriate and consistent with the rural character of the surrounding area.

Report prepared by Terry Wahler
and reviewed by Warren Hoag
Land Conservation Program

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